1: Cunningham G-3 (1846-47) 1854 AJ4 W. Tibetans AJ4

and for a fourth offence, death by drowning. These at least were the allotted punishments, and, with the exception of the last, they were generally carried into effect in all cases of robbery of public property or of church goods. But in cases of private robbery the usual influences had their weight. Near relationship might sway the judges to a milder sentence; or a fair bribe, judiciously bestowed, might induce the chief Láma of the monastery of Hémis to interfere, by an appeal to the king's mercy, which it was unusual to refuse. A direct appeal could also be made to the king by the prisoner's relatives, on the presentation of an offering of four or five rupees, if the criminal was a poor man, or of fifty to a hundred rupees, if he was a rich man.

For *Adultery*, where the woman was the guilty party, the paramour, as in Europe, was fined according to his means, or received an equivalent corporal punishment, while the husband had the option of taking back the woman, if he chose to do so. Or if he did not wish to keep her, he could retain her dowry. When the husband was the guilty party, the wife could demand back her dowry.

Common disputes, involving blows and abuse, were settled at once by fines and stripes.

In doubtful cases, where the evidence was unsatisfactory, a decision was obtained either by casting lots, or by ordeal. In the latter case, the accused had either to draw a red-hot iron through his hand, or to take a stone out of a pot of boiling oil without injury. In Great Tibet both of these ordeals are practised; but the latter is rendered much more complicated and difficult by the immersion of two stones, one black and the other white,

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then they go to their father, and eventually inherit his property. Except in the case of a "makpa" husband (see makpa) a Ladáki woman cannot divorce her husband against his will, but a man may divorce his wife for adultery. In such cases, circumstantial evidence against a woman is not enough, and a man who would take proceedings against his wife unless she had been taken "in flagrante delicto," would be looked down upon and termed a "meestam sonum batkhan" i.e., one who listens to scandalous rumours. WT 586 428 WT 586 684

Divorces of this kind are rare, for Ladákis are peculiarly free from sentimental ideas of dishonour and wickedness in connection with this offence, which they regard as amounting to an infringement of private rights in property rather than as anything more serious. Consequently, if the offending wife is willing to return to her husband, the latter usually consents to hush the matter up, in consideration of a sum of money probably 4 or 5 rupees or other valuables being given to him, as compensation, by his wife's lover. If the woman refuses to return to her husband, the latter can divorce her and retain possession of her property. If a man wishes to divorce his wife for any offence other than adultery, and his younger brothers do not agree to this, then the eldest brother, if he persists in divorcing his wife, must give her enough land to support her and his younger brothers. The wife and the younger brothers then leave the family roof and set up house together of their own account. WT [595]

Ladákis never apply to the Kashmir law courts for a divorce, such matters they arrange among themselves. They are however subject to the Kashmir laws, and a vindictive husband or wife may bring his or her case before the Kashmir courts. These do not pronounce decrees of "divorce" but they may imprison or fine persons found guilty of infidelity. WT 692 684

DOGRA--singpa. Owing no doubt to the fact that most Dogra names end with the syllable "sing." The Dogras are looked up to as soldiers but if a Civil official is described as a Dogra, it is almost tantamount to an insinuation that he is an ignorant, pig-headed fellow. A man who is not a Dogra is not spoken of as a Dogra, but if a Dogra is described as a Dogra, the intention is to indicate that he is not clever. WT 563 704 D 704 WT 186 554

within him, certainly caused by jealousy of his other brothers for their relations with the common wife.

There are certain instances of extra-marital relations between people in this polyandrous community, but they are highly condemned and heavy sanctions are applied. In a *bagma* marriage, if the woman commits adultery, she is turned out of the house if she is childless, and the brothers choose another wife. If she is with child, she is fined and has to pay out of her personal property. As for the man, the co-respondent, he is beaten and/or has to pay compensation to the legal husbands. In a *magpa* marriage, where the woman is heir to the property, has the care of it and can marry as many men as she desires, infidelity of the wife is the only case in which the husbands can get a divorce. Otherwise, she can divorce them, but not *vice versa*. If the man is the adulterer in such a marriage, nothing is done except in the family where he has committed the adultery. In the case of unmarried people, the woman is usually turned out of the house if she has premarital relations and should attempt to marry the man with whom she has had these relations. If the trespasser is a man, he is treated exactly like an adulterer in the usual *bagma* marriage.

Illegitimate children are usually hushed up. They are often adopted into some family or are sent to the monasteries as novices, so that nobody knows exactly what their origins are. As far as I could find out, there seems to be no prostitution in Tibet, and husbands suffering from the polyandrous organization do not have that outlet. Something, however, certainly is known about prostitution, for Tibetans, who never smoke, tell you that they do not do so because tobacco was a plant grown with the menstrual flow of a prostitute.

As far as I could find out, homo-sexuality is condemned, even in the monasteries, and certainly despised if practised, and I could not find any proof of it. But local Europeans who know the

24:Peter E-5 (1938)1963 AJ4 West Tibetans AJ4
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on the other hand, the divorce occurs at the request of the *bag-ma* wife or of the *mag-pa* husband, the equivalent in money of a horse will be given to the injured party. This is called *P'ho-skyur-ta* (*P'ho-bSkyur-rTa*) or "man thrown out horse". During the reign of the Tibetan kings of Western Tibet, real horses and cows were handed over. But with the accession of the Dogra masters, Wazir-i-Wazarat Akbar Ali Shah, who ruled in Ladak in the early 1870s, converted the value of these animals into cash, a horse being estimated as worth Rs. 25, and a cow Rs. 12/8/–. Henceforward, compensation had to be paid in money and no longer in kind.

Extra-marital relations do occur in Ladak among polyandrous people, but on the whole all my informants, including the Reverend W. Asboe, were very insistant that those who practised polyandry were more "moral" than the others who did not. They meant by this, that the pressure of public opinion upon remaining faithful to the custom and not departing from what was expected of those living matrimonially in this fashion was very great and, usually, very effective in enforcing the rule.

In spite of this, it could not be said that departures from this moral rule did not occur. Lamas who had taken vows of celibacy, such as the Gelug-pas for instance, were known occasionally to get involved in illicit love affairs. A woman who was thus a partner to the strayings of a lama was known as a *la-dud* (*bLa-aDrud*), "dragger away of lama".

Unmarried girls who took lovers might be forced to marry them, if the man was unmarried. If he was already wed, he might have to divorce and marry the girl, or simply give her the necessary means of livelihood. Should she have a child by him, she would be turned out of her family's house and beaten, and the man would, in most instances, be obliged to marry her. The only exception could occur if he should already be married and have children, when he would have to arrange for the upkeep of his paramour and her child. As it was, this did not happen very often, all young girls normally being chaperoned when they attended public festivals. It was here that lovers met, it was admitted, but it would be difficult for an unmarried daughter, properly accompanied, to start an intrigue in this way.

Women living in polyandry did have lovers, I was told, because they did not always feel the affection which they should have for their many husbands. A *bag-ma* wife caught in the act would be beaten, driven out of the house and divorced, if she was not yet a mother. If she had children, she would not be driven away, but her paramour would be

24:Peter E-5 (1938)1963 AJ4 West Tibetans AJ4
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beaten and obliged to pay compensation to the outraged husbands. Sometimes, I heard, the lover, assisted by friends, resisted and a fight ensued, in which the husbands' party might also be reinforced by friends and relatives. In the end a third party would be brought in to arbitrate and fix the amount of compensation due, if adultery was satisfactorily proved.

In the case of a *mag-pa* wife, or a *mag-pa* husband, I have already mentioned above, in what I wrote on divorce proceedings, what the correct behaviour is in cases of the partners' infidelity.

As a rule, immorality is something that attempts are made to conceal, and scandals do not occur often because everyone always tries to hush them up. One of the chief difficulties that has to be faced, if such a case becomes known and has to be dealt with in the glare of public knowledge, is the problem of property. A guilty couple will have none to live on and, unless they can collect sufficient means to buy themselves at least a land tenancy, they will become beggars and be forced to live on grudging public charity.

The fate of illegitimate children is also a sad one. In most cases, hushing up the affair consists in considering a child born of an adulterous union as one of the family. Abortions are nevertheless often resorted to, and in the case of unmarried girls frequently practised. In Leh, Moslem barbers are those who perform these operations. Unwanted children begotten in this way are often done away with, too, by the mother simply giving birth to the child near the river, and throwing it into the water to drown. This is often the case with nuns in monasteries, who should be chaste in accordance with their vows. Most illegitimate children who live to be adult, become lamas or nuns. The principal reason for this is again that they have no property and cannot marry. In this way, they can live off the resources of the monastery.

5. *Dissolution of marriage by death*

If the eldest husband of a woman dies, the widow is automatically the official wife of the surviving eldest brother of the deceased, by inheritance. No marriage ceremony need be performed. If the woman does not like to live with this man and his younger brothers as she did during the lifetime of the eldest, but at the same time, does not like to leave the family household or to take yet another husband different from those she has had so far, or, again, if the surviving eldest brother does not wish to keep her as his wife, she is entitled in all these cases, to maintenance by the family. This takes the form of a piece of land